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STATE OF IDAHO } ss  
COUNTY OF KOOTENAI  
FILED: 12-28-05  
AT 1:52 O'CLOCK PM  
CLERK, DISTRICT COURT  
DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

In the Matter of: )  
CASE NO: 74989  
NORTH KOOTENAI WATER )  
ORDER  
DISTRICT )  
ANNEXING REAL ESTATE

The Board of Directors of the North Kootenai Water District  
having moved the Court for an order annexing the real property  
that is described in Exhibit A to this order into said District  
and it appearing to the Court that the taxpayers and electors of  
the area that is proposed for annexation into said District have  
petitioned and voted in favor of said annexation in the manner  
that is required by law,

IT IS THEREFORE ORDERED that the real estate that is  
described in Exhibit A to this order is hereby annexed into the  
North Kootenai Water District.

Dated this 28<sup>th</sup> day of December, 2005.

J.P. Rust  
District Court Judge

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TECHNICAL SUPPORT

STATE OF IDAHO } ss  
COUNTY OF KOOTENAI

THIS IS TO CERTIFY THAT THE FOREGOING IS  
A TRUE COPY OF THE ORIGINAL NOW ON  
FILE OR RECORD IN THIS OFFICE.

SEALED ON THIS 14<sup>th</sup> DAY OF Nov. 2008

DANIEL J. ENGLISH, CLERK OF THE DISTRICT  
COURT BY [Signature]  
Deputy

12-28-05  
foxed to R. Covington  
Barbara Watkins  
ORDER ANNEXING REAL ESATE

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STATE OF IDAHO  
COUNTY OF KOOTENAI  
FILED: Dec. 27, 2005

AT 12:30 O'CLOCK P M

CLERK DISTRICT COURT

*[Signature]*  
DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

In the Matter of:	)	
	)	CASE NO: 74989
	)	
NORTH KOOTENAI WATER	)	MOTION FOR ORDER
	)	ANNEXING REAL ESTATE
DISTRICT	)	
_____	)	

Comes now the Board of Directors of the North Kootenai Water District, a municipal subdivision of the State of Idaho, hereinafter the "District", to move the Court pursuant to Idaho Code Section 42-3218 for an order annexing into the District the real estate that is described in Exhibit A hereto, being that certain order of the Board of Directors of the District dated November 15, 2005. This motion is made on the grounds that the taxpayers and electors of the area that is proposed for annexation have petitioned and voted for annexation of said real estate into the District in the manner that is required by law.

Dated this 27<sup>th</sup> day of December, 2005.

DANIEL J. ENGLISH 23P I 2185845000  
KOOTENAI CO. RECORDER Page 1 of 23  
BBB Date 11/14/2008 Time 10:40:31  
REC-REQ OF MIKE ORMSBY  
RECORDING FEE: 69.00  
2185845000 XK

*Robert Covington by Amanda Cutts*  
Robert Covington  
Attorney for North Kootenai  
Water District

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MOTION FOR ORDER ANNEXING REAL ESTATE

TECHNICAL SUPPORT

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Attorney for North Kootenai Water District

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

In the Matter of:	)	
	)	CASE NO: 74989
	)	
NORTH KOOTENAI WATER	)	ORDER CONFIRMING
	)	ELECTION RESULTS
DISTRICT	)	AND ANNEXATION
	)	
	)	
	)	
	)	

Comes now the Board of Directors of the North Kootenai Water District, a municipal subdivision of the State of Idaho, hereinafter the "District", acting pursuant to the authority granted to it by Idaho Code Section 42-3218(b) to make the following findings and order:

1. The property proposed to be annexed into the District is described as Exhibit "A", hereto.
2. The Board received petitions signed by 71 individuals, representing more than twenty percent (20.0%) of the property owners in the area proposed to be annexed into the District who are registered to vote, requesting an election

ORDER OF THE NORTH KOOTENAI WATER DISTRICT  
CONFIRMING ELECTION RESULTS AND ANNEXATION

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on annexation, with the signatures properly acknowledged as required by Idaho Code. (Copies of the petitions with signatures thereon are in the possession of the District.)

3. Pursuant to a notice published in the manner required by law, a hearing was held on the petitions seeking annexation of said property into the District on September 15, 2005.
4. No objections to the annexation of said property were presented to the District before or at the time set for said hearing on September 15, 2005. The Board of Directors of the District determined that it was in the best interests of the District that the requests of the petitioners for annexation, subject to the conditions described in the above referenced notice of hearing, be granted.
5. Pursuant to the authority vested in the District, the Board of Directors of the District directed that an election be held on November 8, 2005, in the manner required by law.
6. An election was held on November 8, 2005, in the manner required by law after due publication of notice, a copy of which is attached as Exhibit "B" hereto.
7. That the Judges of Election filed their Affidavits and Return of Election dated November 9, 2005, with the Board of Directors, a copy of which is attached hereto as Exhibit "C". That eighty ballots were cast in the election with seventy-five voting in favor of annexation as proposed and five voting against annexation as proposed.

The Board of Directors of the District then reviewed the results of the election, confirmed that a majority of votes were cast in favor of annexation and again determined that the annexation as proposed was in the best interests of the District and the residents and property owners of the territory proposed for annexation, subject to the conditions that were expressed in the Official Ballot, and therefore,

On motion duly made and seconded, it was resolved and ordered, that the property that is described in Exhibit "A" here be annexed into and become a lawful part of the North Kootenai Water District, subject to the attached conditions to annexation and that said annexation shall be effective upon order of the District Court for Kootenai County, State of Idaho.

Dated this 17<sup>th</sup> day of November, 2005.

NORTH KOOTENAI WATER DISTRICT

By: 

Linda Davis, Chairman

ATTEST: '1

  
Richard Fairhurst, Secretary

ORDER OF THE NORTH KOOTENAI WATER DISTRICT  
CONFIRMING ELECTION RESULTS AND ANNEXATION

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## **EXHIBIT A**

### **LEGAL DESCRIPTION**

#### **FOR**

**Hayden Lake Honeysuckle Hills Home Owners' Association Boundary for  
Annexation into North Kootenai Water District**

**Portions of Sections 19, 20 and 21, all situated within Township 51 North, Range 3 West, Boise Meridian, Kootenai County, Idaho, more particularly described as follows:**

**Commencing at the Southwest corner of said Section 20;**

**Thence, along the West line of the Southwest Quarter of said Section 20, North 00°39'15" West, 657.29 feet, to the Southwest corner of Lot 1, Block One, of the plat of HAYDEN HILLS LAKEVIEW ESTATES, recorded in Book F of Plats, Page 287 (see note regarding record information at the end of this description), as shown on said plat;**

**Thence, continuing along said West line of the Southwest Quarter of Section 20, North 00°20'11" West, 505.21 feet, to the Southwest corner of Lot 17, Block Two, of said plat, said Southwest corner being the TRUE POINT OF BEGINNING;**

**Thence, continuing along said West line of the Southwest Quarter of Section 20, taken to be coincidental with the West line of said Lot 17, North 00°31'45" East, 594.09 feet, to the Northwest corner of said Lot 17, taken to be situated upon the Southwesterly boundary line of Lot 88A of the AMENDED PLAT OF HAYDEN LAKE HONEYSUCKLE HILLS BUILDING SITES, recorded in Book C of Plats, Page 241 (hereinafter referred to as the "C-241 Plat");**

**Thence, along said Southwesterly boundary line of said "C-241 Plat", North 59°00'57" West, 182.27 feet, to an angle point in the Southwesterly boundary line of Lot 90A of said "C-241 Plat";**

**Thence, continuing along said Southwesterly boundary line of the "C-241 Plat" as follows:**

**North 62°28'32" West, 118.21 feet, to the most Westerly corner of Lot 91A;**

**North 56°29'36" West, 202.51 feet, to the most Westerly corner of Lot 94A;**

**North 56°29'36" West, 123.76 feet, to the most Westerly corner of Lot 96A;**

**North 56°22'38" West, 176.72 feet, to the most Westerly corner of Lot 99A;**

**North 75°53'33" West, 306.80 feet, to the Southwest corner of Lot 103A;**

**South 80°04'32" West, 68.09 feet, to the Southwest corner of Lot 104A;**

**South 80°04'32" West, 339.93 feet, to the Southwest corner of Lot 109A;**

**South 79°51'12" West, 228.33 feet, to the Southeast corner of Lot 113A;**

**South 78°04'40" West, 229.61 feet, to the Southwest corner of Lot 115A;**

**South 84°22'42" West, 300.03 feet, to the Southwest corner of Lot 119A;**

**South 74°10'57" West, 72.24 feet, to the Southwest corner of Lot 120A;**

**South 74°06'45" West, 151.89 feet, to the Southwest corner of Lot 122A;**

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**EXHIBIT A**

TECHNICAL SUPPORT

South 81°28'03" West, 379.54 feet, to the Southwest corner of Lot 127A;

South 67°16'35" West, 172.19 feet, to the Southwest corner of Lot 129A;

South 79°33'43" West, 607.30 feet, to the Southwest corner of Lot 137A;

North 80°41'43" West, 227.50 feet, to the Southwest corner of Lot 140A;

South 80°41'46" West, 327.54 feet, to the most Northerly corner of Lot 6, Block B, of the plat of HAYDEN VIEW ESTATES, recorded in Book E of Plats, Page 187;

Thence, along the Northerly boundary line of said Block B, South 66°35'50" West, 684.29 feet, to the most Easterly corner of Lot 1, Block L, of the plat of HAYDEN VIEW ESTATES SECOND ADDITION, recorded in Book F of Plats, Pages 105 and 105A;

Thence, along the Northerly boundary of said Block L, as follows:

North 23°23'23" West, 70.00 feet, to an angle point in the boundary of said Lot 1;

North 78°48'38" West, 230.00 feet, to the Northeast corner of Lot 3;

South 82°11'22" West, 115.00 feet, to an angle point in the boundary of said Lot 3;

South 49°04'47" West, 72.19 feet, to the most Westerly corner of said Block L, taken to be situated upon the Northerly line of the Right-of-Way for Lock Haven Drive, as depicted in said plat of HAYDEN VIEW ESTATES SECOND ADDITION;

Thence, along said Northerly line of the Right-of-Way for Lock Haven Drive, 163.96 feet along the arc of a 232.84 foot radius curve concave to the South, having a central angle of 40°20'45" and a long chord bearing North 86°33'50" West, 160.59 feet, more or less, to the Southeast corner of that parcel of land described in the Warranty Deed recorded January 22, 1990, as Instrument No. 1172353 (hereinafter referred to as "Tax No. 14396");

Thence, along the Easterly boundary line of said "Tax No. 14396", North 00°02'14" West, 107.10 feet, to the Northeast corner thereof;

Thence, along the Northerly boundary line of said "Tax No. 14396", South 76°40'16" West, 41.08 feet, to the Northwest corner thereof, taken to be coincidental with the Northeast corner of Lot 1, Block K of said plat of HAYDEN VIEW ESTATES SECOND ADDITION;

Thence, along the Northerly boundary line of said Block K, North 70°18'09" West, 178.12 feet, to the Northwest corner thereof, taken to be situated upon the Westerly line of the Southwest Quarter of said Section 19;

Thence, along said Westerly line of the Southwest Quarter of Section 19, North 00°49'03" East, 261.74 feet, to a point of intersection with the Northerly line of the Right-of-Way for East Hayden Lake Road;

Thence, along said Northerly line of the Right-of-Way for East Hayden Lake Road, which transitions into Lower Hayden Lake Road, as follows:

343.85 feet along the arc of a 1085.00 foot radius curve concave to the South, having a central angle of 18°09'27" and a long chord bearing South 73°36'18" East, 342.41 feet, to a point of reverse tangent curvature;

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## TECHNICAL SUPPORT

435.98 feet along the arc of a 550.00 foot radius curve concave to the North, having a central angle of  $45^{\circ}25'03''$  and a long chord bearing South  $87^{\circ}14'06''$  East, 424.65 feet, to a point of tangency;

North  $70^{\circ}03'23''$  East, 629.42 feet, to a point of tangent curvature;

330.06 feet along the arc of an 800.00 foot radius curve concave to the South, having a central angle of  $23^{\circ}38'20''$  and a long chord bearing North  $81^{\circ}52'32''$  East, 327.73 feet, to a point of intersection with the Westerly boundary line of Lot 140 of the CORRECTED PLAT OF HAYDEN LAKE HONEYSUCKLE HILLS BUILDING SITES, recorded in Book C of Plats, Page 239 (hereinafter referred to as the "C-239 Plat");

Thence, along said Westerly boundary line of Lot 140 of the "C-239 Plat", North  $09^{\circ}51'29''$  West, 20.84 feet, to the Northwest corner thereof;

Thence, along the Northerly boundary lines for Lots 133 through 140, inclusive, of said "C-239 Plat", including any platted streets or alleys, as follows:

North  $78^{\circ}23'46''$  East, 300.00 feet, to the Northeast corner of Lot 137;

North  $81^{\circ}12'46''$  East, 300.00 feet, to the Northeast corner of Lot 133;

Thence, along the following Meander of the shoreline of Hayden Lake, more or less as shown on said "C-239 Plat", said shoreline taken to be the Northerly boundary for Lots 104 through 132, inclusive, along with any platted streets or alleys, of said "C-239 Plat":

North  $36^{\circ}05'46''$  East, 100.00 feet, to the Northeast corner of Lot 132;

North  $64^{\circ}44'46''$  East, 150.00 feet, to the Northeast corner of Lot 130;

North  $73^{\circ}55'00''$  East, 75.06 feet, to the Northeast corner of Lot 129;

South  $86^{\circ}46'16''$  East, 172.45 feet, to the Northeast corner of Lot 127;

North  $83^{\circ}58'08''$  East, 149.75 feet, to the Northeast corner of Lot 125;

North  $79^{\circ}27'27''$  East, 175.00 feet, to the Northwest corner of Lot 122;

North  $79^{\circ}07'17''$  East, 523.56 feet, to the Northeast corner of Lot 116;

North  $79^{\circ}08'27''$  East, 250.00 feet, to the Northwest corner of Lot 112;

North  $79^{\circ}08'27''$  East, 75.00 feet, to the Northeast corner of Lot 112;

North  $77^{\circ}19'27''$  East, 300.00 feet, to the Northeast corner of Lot 108;

North  $83^{\circ}16'27''$  East, 225.00 feet, to the Northeast corner of Lot 105;

North  $62^{\circ}59'27''$  East, 75.00 feet, to the Northeast corner of Lot 104, taken to be coincidental with the Northwest corner of that parcel of land described in the Warranty Deed recorded June 21, 2002, as Instrument No. 1738949 (hereinafter referred to as "Tax No. 19394");

Thence, along a Meander of the shoreline of Hayden Lake, as shown on said "C-239 Plat", said shoreline taken to be the Northerly boundary for said "Tax No. 19394", North  $79^{\circ}24'27''$  East, 164.40 feet, to the Northeast corner thereof, taken to be coincidental with the Northwest corner of



## EXHIBIT A

Lot 103 of the AMENDED PLAT OF HAYDEN LAKE HONEYSUCKLE HILLS BUILDING SITES, recorded in Book C of Plats, Page 241 (hereinafter referred to as the "C-241 Plat");

Thence, along the following Meander of the shoreline of Hayden Lake, more or less as shown on said "C-241 Plat", and as also shown on the PLAT OF HAYDEN LAKE HONEYSUCKLE HILLS BUILDING SITES, recorded in Book C of Plats, Page 201 (hereinafter referred to as the "C-201 Plat"), said shoreline taken to be the Northerly boundary for Lots 50 through 103, inclusive, along with any platted streets or alleys, of said "C-241 Plat", and also the Northerly boundary for Lots 32 through 49, inclusive, along with any platted streets or alleys, of said "C-201 Plat":

South 67°33'33" East, 144.30 feet, to the most Easterly corner of said Lot 103;

South 36°02'33" East, 150.00 feet, to the most Northerly corner of Lot 100;

South 63°44'33" East, 225.00 feet, to the Northwest corner of Lot 97;

South 82°11'33" East, 150.00 feet, to the most Northerly corner of Lot 95;

South 67°49'33" East, 250.00 feet, to the most Northerly corner of Lot 92;

South 49°59'07" East, 384.02 feet, to the most Northerly corner of Lot 87;

South 43°39'24" East, 300.00 feet, to the most Northerly corner of Lot 83;

South 61°39'24" East, 325.00 feet, to the most Northerly corner of Lot 79;

South 72°03'24" East, 75.00 feet, to the Northeast corner of Lot 79;

North 74°50'06" East, 75.00 feet, to the Northeast corner of Lot 78;

North 47°57'36" East, 75.00 feet, to the most Northerly corner of Lot 77;

North 20°41'06" East, 75.00 feet, to the most Northerly corner of Lot 76;

North 07°10'36" East, 150.00 feet, to the most Northerly corner of Lot 74;

North 32°58'36" East, 175.00 feet, to the most Northerly corner of Lot 72;

North 49°33'36" East, 225.00 feet, to the most Northerly corner of Lot 69;

North 61°55'27" East, 75.01 feet, to the most Northerly corner of Lot 68;

North 68°08'36" East, 300.00 feet, to the most Northerly corner of Lot 64;

North 56°39'36" East, 118.65 feet, to the most Westerly corner of Lot 62;

North 39°21'07" East, 73.56 feet, to the most Northerly corner of Lot 62;

North 13°13'42" West, 134.44 feet, to the most Westerly corner of Lot 60;

North 09°24'30" West, 224.99 feet, to the most Westerly corner of Lot 57;

North 07°40'57" East, 225.00 feet, to the most Westerly corner of Lot 53;

North 35°14'25" East, 75.32 feet, to the most Northerly corner of Lot 53;

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## **EXHIBIT A**

North 31°17'00" East, 676.72 feet, to an angle point in the Northerly boundary of Lot 44;

North 44°37'46" East, 424.03 feet, to the most Westerly corner of Lot 38;

North 59°30'23" East, 74.45 feet, to the most Westerly corner of Lot 37;

North 70°46'15" East, 70.65 feet, to the most Westerly corner of Lot 36;

North 77°49'33" East, 225.98 feet, to the Northwest corner of Lot 33;

North 82°28'57" East, 201.96 feet, through the Northeast corner of Lot 32, to a point of intersection with the Westerly boundary line of that parcel of land described in the document recorded in January, 1971, in Book 243, Pages 487 and 488 (hereinafter referred to as "Tax No. 7844";

Thence, along said Westerly boundary of "Tax No. 7844", North 13°00'00" East, 57.00 feet, to the shoreline of Hayden Lake;

Thence, along the following meander of the shoreline of Hayden Lake:

North 57°43'33" East, 639.97 feet, to the most Northerly corner of said "Tax No. 7844", taken to be coincidental with the Northwest corner of that parcel of land described in the Warranty Deed recorded September 1, 1995, as Instrument No. 1412348 (hereinafter referred to as "Tax No. 16655");

North 71°38'15" East, 125.58 feet, to an angle point in the boundary of said "Tax No. 16655";

South 89°24'57" East, 97.29 feet, through the Northeast corner of said "Tax No. 16655", to the Northwest corner of that parcel of land described in the Warranty Deed recorded August 16, 1994, as Instrument No. 1366563 (hereinafter referred to as "Tax No. 16169");

North 78°19'55" East, 80.00 feet, to the Northeast corner of said "Tax No. 16169";

North 86°39'00" East, 98.77 feet, to the Northwest corner of that parcel of land described in the Warranty Deed recorded September 15, 1994, as Instrument No. 1369996 (hereinafter referred to as "Tax No. 16232");

North 71°07'42" East, 88.64 feet, through the Northeast corner of said "Tax No. 16232", to an angle point on the boundary of that parcel of land described in the Warranty Deed recorded September 15, 1994, as Instrument No. 1369996 (hereinafter referred to as "Tax No. 16233");

North 29°02'32" East, 50.39 feet, to an angle point;

North 57°21'32" East, 91.76 feet, to an angle point;

North 85°57'30" East, 82.04 feet, to an angle point;

North 73°21'49" East, 49.22 feet, to the most Northerly corner of said "Tax No. 16233";

North 83°55'40" East, 80.54 feet, to an angle point;

South 50°40'25" East, 51.20 feet, to an angle point;

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**TECHNICAL SUPPORT**

## **EXHIBIT A**

South 60°35'54" East, 68.99 feet, to a point of intersection with the Northwesterly boundary line of that parcel of land described in the Warranty Deed recorded June 21, 1988, as Instrument No. 1120398 (hereinafter referred to as "Tax No. 14040";

North 38°00'16" East, 36.75 feet, to the most Northerly corner of said "Tax No. 14040";

South 65°11'38" East, 119.97 feet, to the most Easterly corner of said "Tax No. 14040";

South 59°03'53" East, 105.28 feet, to an angle point;

South 36°00'22" East, 70.55 feet, to the most Northerly corner of Lot 29, of the PLAT OF HAYDEN LAKE HONEYSUCKLE HILLS BUILDING SITES, recorded in Book C of Plats, Page 203 (hereinafter referred to as the "C-203 Plat");

Thence, along the following Meander of the shoreline of Hayden Lake, more or less as shown on said "C-203 Plat", and as also shown on the AMENDED PLAT OF HAYDEN LAKE HONEYSUCKLE HILLS BUILDING SITES, recorded in Book C of Plats, Page 245 (hereinafter referred to as the "C-245 Plat"), said shoreline taken to be the Easterly boundary for Lots 16 through 29, inclusive, along with any platted streets or alleys, of said "C-203 Plat", and also the Northerly boundary for Lots 1 through 15, inclusive, along with any platted streets or alleys, of said "C-245 Plat":

South 33°53'04" East, 229.49 feet, to the most Easterly corner of Lot 27;

South 20°03'00" East, 75.00 feet, to the Southeast corner of Lot 26;

South 20°03'00" East, 75.00 feet, to the Southeast corner of Lot 25;

South 13°59'16" East, 65.84 feet, to the Southeast corner of Lot 24;

South 06°12'00" East, 75.00 feet, to the Southeast corner of Lot 23;

South 06°21'15" East, 100.00 feet, to the Northeast corner of Lot 21;

South 06°12'00" East, 225.00 feet, to the Northeast corner of Lot 18;

South 04°56'00" East, 75.00 feet, to the Northeast corner of Lot 17;

South 04°56'00" East, 75.00 feet, to the Northeast corner of Lot 16;

South 04°56'00" East, 75.00 feet, to the Northeast corner of Lot 15;

South 03°18'39" West, 149.74 feet, to the Northeast corner of Lot 13;

South 04°10'27" West, 75.83 feet, to the Northeast corner of Lot 12;

South 10°43'01" West, 99.87 feet, to the most Easterly corner of Lot 11;

South 25°00'18" West, 300.12 feet, to the Northeast corner of Lot 7;

South 23°11'00" East, 225.00 feet, to the Northwest corner of Lot 4;

South 88°53'03" East, 273.41 feet, to the Northeast corner of Lot 1;

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**TECHNICAL SUPPORT**

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**EXHIBIT A****TECHNICAL SUPPORT**

Thence, leaving the shoreline of Hayden Lake, along the Easterly boundary line of said Lot 1, South  $01^{\circ}40'36''$  West, 24.24 feet, to the Northwest corner of Lot 9 of the plat of SANDY COVE ADDITION, recorded in Book E of Plats, Page 10;

Thence, along the Northerly boundary line of said Lot 9 of SANDY COVE ADDITION, North  $89^{\circ}32'00''$  East, 91.70 feet, to the most Westerly corner of a private road, as depicted upon said plat of SANDY COVE ADDITION;

Thence, across said private road, North  $52^{\circ}56'00''$  East, 31.42 feet, to the most Northerly corner thereof, taken to be situated at an angle point in the boundary of Lot 5 of said plat of SANDY COVE ADDITION;

Thence, along the Westerly boundary line of said Lot 5, North  $02^{\circ}28'00''$  West, 131.05 feet, to the most Northerly corner thereof;

Thence, along the boundary of Lot 4 of said plat of SANDY COVE ADDITION as follows:

North  $40^{\circ}20'00''$  East, 95.00 feet, to an angle point;

North  $70^{\circ}20'00''$  East, 80.00 feet, to the Northwest corner of Lot 3 of said plat of SANDY COVE ADDITION, taken to be coincidental with the most Northerly corner of said Lot 4;

Thence, along the boundary of said Lot 3, South  $87^{\circ}40'00''$  East, 90.00 feet, to the Northeast corner thereof;

Thence, along the boundary of Lot 2 of said plat of SANDY COVE ADDITION, South  $71^{\circ}54'00''$  East, 75.00 feet, to the Northeast corner thereof;

Thence, along the Easterly boundary of said plat of SANDY COVE ADDITION, South  $02^{\circ}05'31''$  West, 826.15 feet, to a point of intersection with the Northerly line of the Right-of-Way for South Hayden Lake Road, taken to be coincidental with the most Southerly corner of Lot 17 of said plat of SANDY COVE ADDITION;

Thence, along said Northerly line of the Right-of-Way for South Hayden Lake Road as follows:

North  $47^{\circ}54'28''$  West, 55.01 feet, to a point of tangent curvature;

82.93 feet along the arc of a 351.97 foot radius curve concave to the Northeast, having a central angle of  $13^{\circ}30'00''$  and a long chord bearing North  $41^{\circ}09'00''$  West, 82.74 feet, to a point of tangency;

North  $34^{\circ}24'00''$  West, 9.54 feet, to a point of tangent curvature;

129.72 feet along the arc of a 203.62 foot radius curve concave to the Southwest, having a central angle of  $36^{\circ}30'00''$  and a long chord bearing North  $52^{\circ}39'00''$  West, 127.53 feet, to a point of compound tangent curvature;

112.46 feet along the arc of a 234.05 foot radius curve concave to the South, having a central angle of  $27^{\circ}31'46''$  and a long chord bearing North  $84^{\circ}39'53''$  West, 111.38 feet, to a point of tangency;

South  $81^{\circ}34'14''$  West, 26.76 feet, to a point of intersection with the East line of the Southeast Quarter of said Section 20;

Thence, leaving said Northerly line of the Right-of-Way for South Hayden Lake Road, along said East line of the Southeast Quarter of Section 20 as follows:

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EXHIBIT A

## TECHNICAL SUPPORT

South  $01^{\circ}35'38''$  West, 62.45 feet, to the Southerly line of the Right-of-Way for South Hayden Lake Road;

South  $01^{\circ}35'38''$  West, 920.87 feet, to a point of intersection with the Southerly boundary of that tract of land described in the Quitclaim Deed recorded December 28, 2004, as Instrument No. 1921129 (hereinafter referred to as "Tax No. 20333");

Thence, along the Southerly boundary of said "Tax No. 20333", taken to be a line offset 30.00 feet Northerly from, and parallel with, the centerline of an old existing access road, as follows:

14.62 feet along the arc of a 70.00 foot radius curve concave to the Northeast, having a central angle of  $11^{\circ}57'47''$  and a long chord bearing North  $50^{\circ}03'24''$  West, 14.59 feet, to a point of tangency;

North  $44^{\circ}04'34''$  West, 100.00 feet, to a point of tangent curvature;

246.34 feet along the arc of a 236.25 foot radius curve concave to the South, having a central angle of  $59^{\circ}44'36''$  and a long chord bearing North  $73^{\circ}56'52''$  West, 235.33 feet, to a point of compound tangent curvature;

202.39 feet along the arc of a 177.62 foot radius curve concave to the Southeast, having a central angle of  $65^{\circ}17'04''$  and a long chord bearing South  $43^{\circ}32'17''$  West, 191.61 feet, to a point of tangency;

South  $10^{\circ}53'48''$  West, 42.59 feet, to a point of tangent curvature;

61.55 feet along the arc of a 107.25 foot radius curve concave to the Northwest, having a central angle of  $32^{\circ}52'54''$  and a long chord bearing South  $27^{\circ}20'16''$  West, 60.71 feet, to a point of compound tangent curvature;

52.24 feet along the arc of a 47.49 foot radius curve concave the North, having a central angle of  $63^{\circ}01'43''$  and a long chord bearing South  $75^{\circ}17'40''$  West, 49.65 feet, to a point of tangency;

North  $73^{\circ}11'34''$  West, 206.49 feet, to a point of tangent curvature;

97.65 feet along the arc of a 403.59 foot radius curve concave to the North, having a central angle of  $13^{\circ}51'45''$  and a long chord bearing North  $66^{\circ}15'43''$  West, 97.41 feet, to a point of tangency;

North  $59^{\circ}19'49''$  West, 125.99 feet, to a point of tangent curvature;

92.24 feet along the arc of a 128.00 foot radius curve concave to the South, having a central angle of  $41^{\circ}17'19''$  and a long chord bearing North  $79^{\circ}58'28''$  West, 90.26 feet, to a point of tangency;

Thence, leaving said 30 foot Northerly offset line, South  $79^{\circ}22'52''$  West, 137.13 feet, to the Southeast corner of that parcel of land described in the Quitclaim Deed recorded June 19, 1996, as Instrument No. 1450656 (hereinafter referred to as "Tax No. 17126"), taken to be coincidental with the Southwest corner of said "Tax No. 20333";

Thence, along the Southerly boundary line of said "Tax No. 17126", South  $62^{\circ}29'57''$  West, 330.23 feet, to the most Southerly corner thereof, taken to be coincidental with the most Southerly corner of that parcel of land described in the Warranty Deed recorded April 14, 1999, as Instrument No. 1584006 (hereinafter referred to as "Tax No. 18190");

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EXHIBIT A

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Thence, along the Southerly boundary line of "Tax No. 18190", North 37°59'59" West, 520.00 feet, to the most Westerly corner thereof, taken to be situated upon the Southeasterly boundary line of Lot 6 of the plat of BLOCK THREE (3) OF THE HAYDEN LAKE HONEYSUCKLE HILLS BUILDING SITES, recorded in Book D of Plats, Page 51;

Thence, along the Southerly and Easterly boundaries of said plat of BLOCK THREE (3) OF THE HAYDEN LAKE HONEYSUCKLE HILLS BUILDING SITES as follows:

South 41°14'00" West, 139.30 feet, through the most Southerly corner of Lot 6 of said plat, to an angle point in the boundary of Lot 7 of said plat;

South 89°25'03" West, 713.05 feet, to the Southwest corner of Lot 14 of said plat;

North 71°02'41" West, 274.30 feet, to the most Westerly corner of Lot 17 of said plat;

North 86°24'41" West, 544.52 feet, to the Northeast corner of Lot 30 of said plat;

South 27°03'41" East, 464.10 feet, through the most Easterly corner of Lot 35 of said plat, to an angle point in the boundary of Lot 36 of said plat;

South 18°56'19" West, 280.60 feet, to the most Southerly corner of Lot 38 of said plat, taken to be coincidental with an angle point on the boundary of that parcel of land described in the Warranty Deed recorded July 27, 1992, as Instrument No. 1267605 (hereinafter referred to as "Tax No. 15281");

Thence, along the boundary of said "Tax No. 15281", South 21°21'43" East, 15.55 feet, to the most Northerly corner of that parcel of land described in the Warranty Deed recorded February 7, 1992, as Instrument No. 1247142 (also known as "Tax No. 15149");

Thence, continuing along the boundary of said "Tax No. 15281", South 15°54'15" West, 69.76 feet, to an angle point;

Thence, continuing along the boundary of said "Tax No. 15281", and the Southerly extension thereof, taken to be coincidental with the boundary of that parcel of land described in the Warranty Deed recorded August 24, 1992, as Instrument No. 1271611 (hereinafter referred to as "Tax No. 15283"), South 00°39'45" East, 269.37 feet, to an angle point in the boundary of said "Tax No. 15283";

Thence, along the boundary of said "Tax No. 15283", and the Southerly extension thereof, South 54°23'12" West, 215.46 feet, to an angle point in the boundary of that parcel of land described in the Warranty Deed recorded March 30, 1999, as Instrument No. 1581711 (hereinafter referred to as "Tax No. 18517");

Thence, along the boundary of said "Tax No. 18517", South 39°52'15" West, 145.34 feet, to an angle point in the boundary thereof;

Thence, continuing along the boundary of said "Tax No. 18517", and the Westerly extension thereof, taken to be coincidental with the Southerly boundary of that parcel of land described in the Warranty Deed recorded August 13, 1992, as Instrument No. 1270183 (hereinafter referred to as "Tax No. 15282"), South 81°48'21" West, 284.14 feet, to the most Southerly corner of said "Tax No. 15282", taken to be coincidental with the most Southerly corner of Lot 19, Block Two, of the aforesaid plat of HAYDEN HILLS LAKEVIEW ESTATES;

Thence, along the Southwesterly boundary of said Lot 19 of the plat of HAYDEN HILLS LAKEVIEW ESTATES, North 68°17'04" West, 246.13 feet, to an angle point;

## **EXHIBIT A**

Thence, along the Southerly boundary of Lots 18 and 19 of said plat of HAYDEN HILLS LAKEVIEW ESTATES, North  $51^{\circ}09'42''$  West, 770.00 feet, to the most Southerly corner of Lot 17 of said plat of HAYDEN HILLS LAKEVIEW ESTATES;

Thence, along the Southerly boundary of Lot 17 of said plat of HAYDEN HILLS LAKEVIEW ESTATES, North  $70^{\circ}09'42''$  West, 540.00 feet, to the TRUE POINT OF BEGINNING.

Containing 326.64 acres, more or less.

All references herein to plats, deeds, instruments, books and pages, and recording dates refer to the official records of the Kootenai County Recorder. All bearings and distances stated herein are included exclusively for the use of the Idaho State Tax Commission, for the purpose of computation of a mathematical closure sufficient to satisfy the requirements of the legal statutes for the State of Idaho. A boundary survey has not been performed on any of the properties referenced herein, and it is entirely possible that the actual boundary dimensions of those properties may vary from those stated herein.

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# EXHIBIT B

## NORTH KOOTENAI WATER DISTRICT Kootenai County, Idaho NOTICE OF ELECTION

NOTICE IS HEREBY GIVEN that pursuant to Resolution No. 2005-02 of the North Kootenai Water District, of Kootenai County, Idaho, adopted on October 20, 2005, an Election will be conducted by said District on:

**TUESDAY, NOVEMBER 8, 2005**  
At the former Tobler Marina facility  
3830 East Hayden Lake Road  
Hayden, Idaho

Between the hours of 8:00 o'clock A.M. and 8:00 o'clock P.M., for the purpose of voting upon the question whether the territory that is presently served water by or is within the water service area of the Honeysuckle Hills Owners Association, which territory is depicted below shall be annexed into and become a part of the North Kootenai Water District, a municipal subdivision of the State of Idaho, pursuant to the provisions of said Resolution, which Resolution is hereby referred to for further particulars, including a detailed legal description of the territory, and which by reference is made a part of this Notice.

The question to be submitted to the electors shall be by ballot reading substantially as follows:

Shall the below described territory be annexed into and become a lawful part of the North Kootenai Water District, an independent quasi-municipal corporation and governmental subdivision of the State of Idaho, under the following conditions:

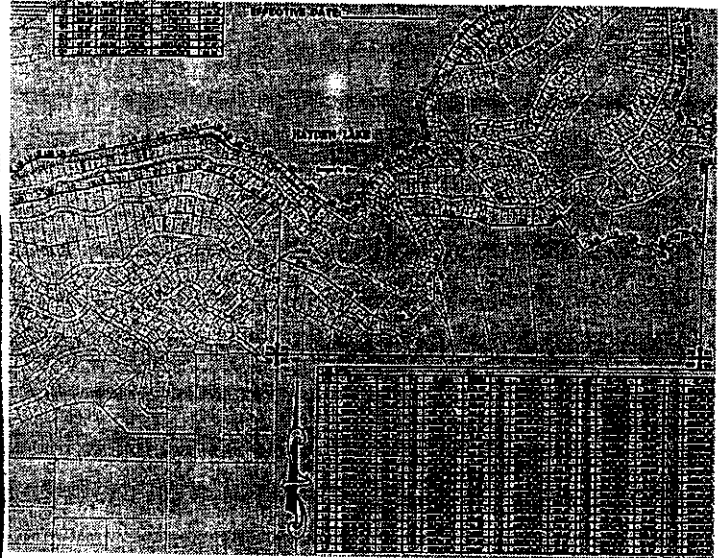
1. That the Honeysuckle Hills Homeowners Association enter into and complete performance of a binding contract to sell and convey all of its operating assets to the District on terms and conditions that are satisfactory to the District and said Association as have been preliminarily approved by the North Kootenai Water District and the Association.
2. That the formation of a Local Improvement District having as its boundaries the boundaries of all the territory that is proposed for inclusion within the District is authorized as required by Idaho law for the purpose of funding the construction of improvements to serve the area proposed for inclusion at an estimated cost of \$1,250,000 depending upon the final number of properties that need access to the water system and the scope of improvements to be provided, which amount shall be repaid by an assessment against the territory that is proposed for inclusion in the manner authorized by law.
3. Upon approval by a majority of those casting ballots in said Special Election, and foregoing conditions, the North Kootenai Water District shall become responsible for operating the water system currently operated by the Honeysuckle Hills Owners Association and said Association shall transfer substantially all of its water systems assets to the North Kootenai Water District in accordance with the appropriate requirements of the laws of the State of Idaho.

For Annexation to North Kootenai Water District ☐ Yes  
Against Annexation to North Kootenai Water District ☐ No  
Qualified electors shall vote at the polling place or places designated by the District Secretary, as follows:

At the former Tobler Marina facility  
3830 East Hayden Lake Road  
Hayden, Idaho

The territory that is proposed for annexation includes all of the properties in the Hayden Lake Honeysuckle Hills Building Sites Subdivision and other adjacent and surrounding properties, all of which are depicted on the following map:

The metes and bounds legal description of the territory that is pro-



posed for annexation is available at the office of the North Kootenai Water District, 1841 West Hayden Avenue, Hayden, Idaho, and will be available at the above referenced polling place on the day of the election.

Only qualified electors eighteen (18) years or older, who are United States citizens and who have resided in the State of Idaho and in the District at least thirty (30) days next preceding the election, and no others, will be permitted to vote at said special election. Persons may register at any time during office hours of the Kootenai County Commissioner of Elections, or other appropriate official with authority to register voters. Persons may also register to vote on the day of election at their polling place with proper voter identification, one piece of identification must include a picture of the voter and other documentation with the voter's current residential address within the precinct boundaries and some proof of residential for at least thirty (30) days prior to the date of election (e.g., utility bill residential lease, etc.). No person so qualified and offering himself or herself at the polling place at which he or she is entitled to vote will be denied the privilege of voting at said special election.

Any registered elector of the District may make written application for an absentee ballot to the District Secretary, who is conducting the election for the District, not later than 5:00 o'clock P.M. on November 7, 2005, the day prior to the election.

Polls will be open at the hour of 8:00 o'clock A.M. on Tuesday, November 8, 2005, and will be open continuously until the hour of 8:00 o'clock P.M. of the same day, at which time polls will be closed. Voting at said election shall be by ballot, and ballot to be supplied the voters for their use at said election shall be in the form provided by law.

DATED this 20th day of October, 2005.

NORTH KOOTENAI WATER DISTRICT  
Kootenai County, Idaho  
Linda Davis, President

ATTEST:  
District Secretary  
Legal 8162  
Oct. 26, Nov. 1, 8, 2005

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**Attorney for North Kootenai Water District**

**In the Matter of:**

)  
) **CASE NO: 74989**  
)  
)  
) **AFFIDAVITS AND**  
) **RETURN OF ELECTION**  
)  
)  
)  
)  
)

Clark Lusk, Glyn Pye and Bettylou Boyer, individually and respectively, each acting as a Judge of Election having been duly appointed by the Board of Directors of the North Kootenai Water District ("District") to conduct, supervise and return to the Board of Directors with the results of the election on the question of whether the area generally described as Honeysuckle Hills in Kootenai County, Idaho, depicted more specifically on Exhibit A

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hereto, should be annexed into the District, held in accordance with the legal notices given thereof, being first duly sworn, depose and state as follows:

1. That I am a duly appointed judge of election acting pursuant to the order of the Board of Directors of the District in connection with the annexation of the area in Kootenai County that is depicted on Exhibit A hereto into the District.
2. That on the 8<sup>th</sup> day of November, 2005, at the hour of 8:00 A.M., I, acting in conjunction with the other duly appointed judges of the election, opened the polling place in the location specified by the Notice of Election and kept the same continuously and uninterruptedly open until the hour of 8:00 P.M., of the same day for the qualified electors of the territory that was proposed for annexation into the District to vote upon the question of whether said territory should be annexed into and become a lawful part of the District as had been petitioned to the Board of Directors of the District.
3. The question was presented to the voters by a ballot, a copy of which is attached hereto as Exhibit B, in

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the form that was approved by the Board of Directors of the District.

4. That only qualified voters of the territory proposed for annexation, and no others, were permitted to vote on the issue that was presented and that at said election EIGHTY secret and separate ballots were cast of which SEVENTY-FIVE were in FAVOR of annexation of the proposed territory into the District and FIVE were cast against said annexation.
5. That the foregoing represents a true, complete and accurate result of the election on the question presented and we, as the judges of said election, make this Affidavit of Return to the Board of Directors of the District.
6. The list of all persons who voted in said election and their affidavits verifying their status as qualified electors are maintained by the District. A copy of the list of voters is attached hereto as Exhibit C. No qualified voters were refused the right to vote in the election.

Dated this 9 day of November, 2005.

  
Clark Lusk

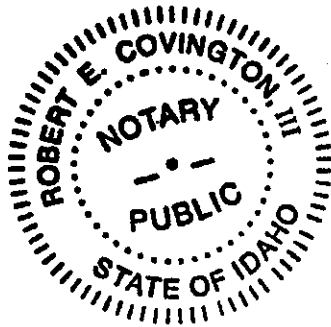
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Bettylou Boyer  
Bettylou Boyer  
Glyn Pys  
Glyn Pys

Subscribed and sworn to before me this 9 day of  
November, 2005.



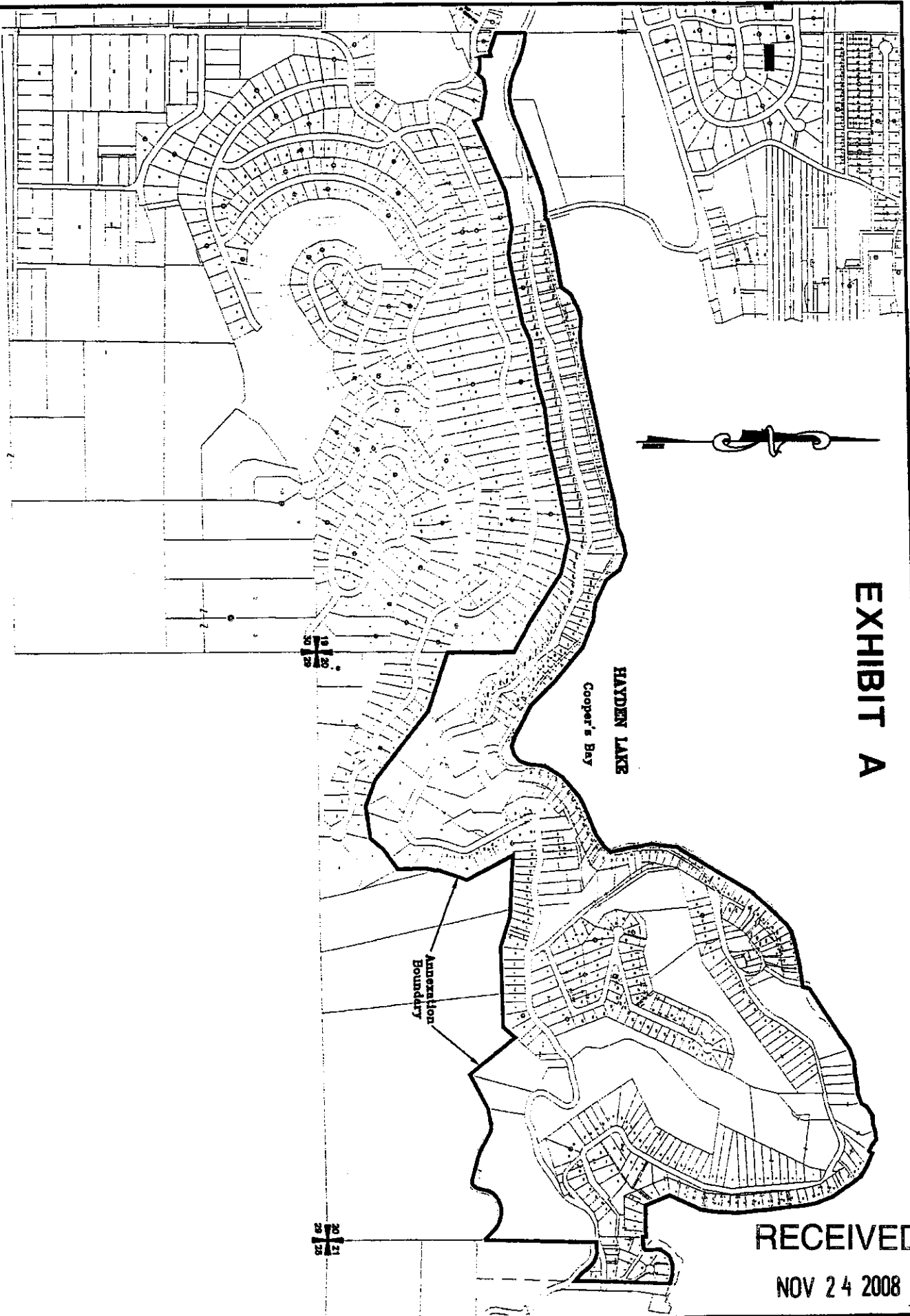
Robert E. Covington III  
Notary Public for Idaho  
Residing in Coeur d'Alene  
Commission Expires: 1/25/07

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# EXHIBIT A



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# OFFICIAL BALLOT

## NORTH KOOTENAI WATER DISTRICT

### ANNEXATION ELECTION FOR HONEYSUCKLE HILLS SERVICE AREA

The question that is submitted to the electors in this election is as follows:

Shall the territory that has been identified in the published Notice of Election and depicted on Exhibit A to the Elector's Oath (generally the area which now receives water service from the Honeysuckle Hills Homeowners Association) ("Association") be annexed into and become a lawful part of the North Kootenai Water District ("District"), an independent quasi-municipal corporation and governmental subdivision of the State of Idaho, under the following conditions:

1. That the Association enter into and complete performance of a binding contract to sell and convey all of its operating assets to the District on terms and conditions that are satisfactory to the District and the Association as have been preliminarily approved by the District and the Association.
2. That the formation of a Local Improvement District ("LID") having as its boundaries the boundaries of all of the territory that is proposed for inclusion within the District is authorized as required by Idaho law for the purpose of funding the construction of improvements to serve the area proposed for inclusion at an estimated cost of \$1,250,000 depending upon the final number of properties that need access to the water system and the scope of improvements to be provided, which amount shall be repaid by an assessment against the territory that is proposed for inclusion in the District and LID in the manner authorized by law.
3. Upon approval by a majority of those casting ballots in said Election, and the foregoing conditions, the District shall become responsible for operating the water system currently operated by the Association and the Association shall transfer substantially all of its water system assets to the District in accordance with the appropriate requirements of the laws of the State of Idaho.

For Annexation to North Kootenai Water District

\_\_\_ Yes

Against Annexation to North Kootenai Water District

\_\_\_ No

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## **List of Honeysuckle Hills Annexation Election Votes**

Marion Walker  
Margaret Nisbet  
Noel Dawn Nisbet  
Terry Morgan  
Robert Mashers  
Shirley S. Thagard  
Jeffrey Sandler  
Richard C. Clark  
Lee G. Roach  
Rene Dempsey  
Wendy S. Wise  
Helena B. Clark  
Peggy L. Kennedy  
Dennis R. Kennedy  
Thomas D. Brown  
James L. Clark  
Constance J. Smith  
Robert C. Morgan  
Michael R. Galante  
Rose Cerven  
Fred Cerven  
Robert I Conquergood  
Paula L. Eddy  
Brad White  
Teresa Mathers  
Susan Calvert  
James H. Frame  
Berry L. Harris  
Russell C. Harris  
Shirley A. Stoller  
William K. Stoller  
Clinton D. Sines  
Sally Gidlund  
Carl A. Gidlund  
Jeanne M. Oss  
Michael Mongan  
Allen J. Fulloton  
GL Vander Zanden  
Donna Vander Zanden  
Sandy E. Mongan  
Freida J. Robinson  
Terry Ferris  
Edward A. Appleseth  
Holli J. Andrews

Exhibit C Affidavits and Return of Election

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Ralph J. Lincoln  
Catherine Frame  
Donna L. Longdin  
George F. Longdin  
Gary Eddy  
Shirley A. Peck  
Anton Lazon  
Beverly A. Black  
John A. Lundin  
Sherylee J. Galante  
Terri E. Lundin  
Joy S. Cassidy  
Geoffrey W. Harvey  
Donna K. Harvey  
Paul M. Oss  
Terry E. Brown  
Dermot Dempsey  
Kelley Lambert  
Daniel E. Johnston  
Mark Bullock  
Loretta A. Opsal  
Tracy McDonald  
Gordon T. McDonald  
Debra Kinney Clark  
Frank Keiser  
Margaret K. Keiser  
Dianne H. Christensen  
Karl L. Leavitt  
Wm J. Threadgill  
Greg Lambert  
Michael Paquin  
Connie J. Gonyou  
Jeff Yeder  
M.L. Clark  
Nikki Marschman

STATE OF IDAHO }  
COUNTY OF KOOTENAI } ss

THIS IS TO CERTIFY THAT THE FOREGOING IS  
A TRUE COPY OF THE ORIGINAL NOW ON  
FILE OR RECORD IN THIS OFFICE.

SEALED ON THIS 14th DAY OF Nov., 2008

DANIEL J. ENGLISH, CLERK OF THE DISTRICT  
COURT BY Steven Hoffmann  
Deputy

pgs 1-23  
of 23

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Exhibit C Affidavits and Return of Election



November 21, 2008

Amy N. Allen  
Legal Secretary  
Amy.Allen@klgates.com  
(509) 241-1508

**SENT VIA FEDERAL EXPRESS**

Mr. Jeff Servatius  
Idaho State Tax Commission  
P.O. Box 36  
Boise, ID 83722-0410

Re: North Kootenai Water District, Kootenai County, Idaho  
Recorded Motion & Order for Annexing Property  
Honeysuckle Hills

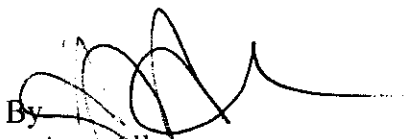
Dear Mr. Servatius:

Enclosed is a Recorded Motion & Order for Annexing Property for the above property.

Please do not hesitate to contact me if you have any questions or need anything further.

Very truly yours,

KIRKPATRICK & LOCKHART PRESTON GATES ELLIS LLP

By   
Amy Allen  
Legal Secretary to Michael C. Ormsby

ANA:  
Enclosures

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